

**IN THE COURT OF PRINCIPAL SESSIONS JUDGE, CHENNAI**

**Present: Thiru. S. Karthikeyan, M.A., M.L., M.Sc., P.G.D.C.F.Sc.,  
Principal Sessions Judge**

**Tuesday, the 25<sup>th</sup> day of March, 2025**

**Crl.M.P.No.2517/2025**

**in**

**K.6, Kilpauk TP Chatiram P.S. Crime No.74/2025**

.. Petitioner/Accused.

Vs.

State Rep. by  
The Inspector of Police,  
K.6, Kilpauk TP Chatiram Police Station,  
Chennai.

..Respondent/Complainant.

This petition is coming on this day before this court for hearing in the presence of M/s. Rahul Jagannathan, R. Deepak, R. Dinesh Kumar, S. Ramanathan, R. Lokeshwaran, R. Keerthana, the Counsel for the petitioner and of CPP for respondent and upon hearing them, this Court delivered the following :

**ORDER**

1. The petitioner, who was arrested on 13.03.2025 for the offence punishable under Section 64 of BNS and Sec.4 of TPHW Act in Crime No.74/2025 on the file of the respondent police, seek bail.

2. Heard both sides.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case for the offence punishable u/s. 64 of BNS and Sec.4 of TPHW Act. According to the learned counsel for the petitioner, even as per the allegation, the offence of rape would not attract as there is no penetration. According to the learned counsel for the petitioner, at the best, it can be stated only as sexual harassment and not beyond that. Apart from that the learned counsel for the petitioner submitted that the petitioner is a student aged about 22 years and his college examination is scheduled in the month of April. Therefore, he prays for bail.

4. Learned CPP has submitted that the petitioner and the defacto complainant are co-students. They used to have group study in the house of the defacto complainant. On 08.03.2025, the petitioner, the defacto complainant and another

friend have decided to stay in the house of the defacto complainant. All of them had dinner on the house of the defacto complainant, watched movies late in the night and continued to sleep in the Hall. On 09.03.2025 at around 3.30 a.m., the petitioner put his fingers over the grain area of the defacto complainant. She woke up from her sleep and pushed his hand away. He slapped on her buttocks and again put his hand near her grain area. Due to the above said incident, the defacto complainant was put to shock and she was not in a position face her collegemates. Learned CPP has objected that if the petitioner is released on bail, the petitioner may come in contact with the defacto complainant, which will further worsen the position of the defacto complainant. Therefore, he strongly objects to grant bail to the petitioner.

5. This court has given its thoughtful consideration to the rival submissions put forth by either side. As per the allegations, the petitioner herein has touched the private parts of the defacto complainant. There is no averments made in the complaint, which attracts the offence of rape as defined u/s.64 of BNS. As submitted by the learned counsel for the petitioner, at the best, the alleged action would attract sexual harassment as defined u/s.75(1) of BNS and not beyond that. The petitioner is aged about 22 years. The defacto complainant is aged about 21 years. Both are college students and the examinations are scheduled in the month of April 2025. Therefore, the petitioner has to be allowed to write the examination, otherwise, his future will be spoiled. At the same time, the plight of the defacto complainant has also to be considered. In the said circumstances, this court is of the considered view that the bail shall be extended to the petitioner however with stringent conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a likesum to the satisfaction of the learned V Metropolitan Magistrate, Chennai and on further condition that

(a) the sureties shall affix their photographs and Left Thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

(b) the petitioner shall appear before the respondent police daily twice at 9.00 a.m. and 7.00 p.m. until further orders.

(c) Apart from that the petitioner shall not contact the defacto complainant or attempt to contact her during the bail.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(e) the petitioner shall not abscond either during investigation or trial.

(f) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the above said petitioner in accordance with law as if the conditions have been imposed and the above said petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K. Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**.

(g) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

Delivered by me in open court today.

**Principal Sessions Judge**

Copy to :

1. The V Metropolitan Magistrate, Chennai.
2. The Superintendent, Central Prison, Puzhal.

**nmk**